

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<b>UNITED STATES OF AMERICA</b>	:	
	:	
v.	:	<b>5:04-CR-35 (WDO)</b>
	:	
<b>KRANSTON MOULTRIE,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

Defendant Moultrie filed a motion requesting the Court to extend the time in which he may file a habeas petition pursuant to 28 U.S.C. § 2255. “[E]quitable tolling is appropriate when a prisoner’s § 2255 petition is untimely because of extraordinary circumstances that are both beyond his control and unavoidable even with diligence.” Johnson v. United States, 340 F.3d 1219, 1226 (11<sup>th</sup> Cir. 2003) (citations omitted). However, “equitable tolling applies only in truly extraordinary circumstances.” Id. (citations omitted). The petitioner “bears the burden of establishing that he is entitled to this extraordinary relief.” Id. (citations omitted).

Pursuant to 28 U.S.C. § 2244(d)(1)(A), Defendant Moultrie has one year after his conviction became final to file a habeas petition, or until on or about October 13, 2007. Defendant contends he needs a longer period of time to file a habeas because he has just recently requested the needed transcripts. However, because Defendant still has ample time in which to file a habeas petition, his motion for an extension of time to file is DENIED.

**SO ORDERED this 7<sup>th</sup> day of February, 2007.**

**S/  
WILBUR D. OWENS, JR.  
UNITED STATES DISTRICT JUDGE**